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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/848,243	04/29/97	NAGANO	M 35.C9371-CII

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EXAMINER	
WILSON, J	
ART UNIT	PAPER NUMBER
2612	46

DATE MAILED: 08/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/848,243	Applicant(s) Nagano
	Examiner Jacqueline Wilson	Art Unit 2712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jun 8, 2001*

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requi

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION IV

Response to Arguments

1. Applicant's arguments filed 06/08/01 have been fully considered but they are not persuasive.

The applicant amended Claims 1 and 9 to more clearly define the claimed invention. However, the examiner strongly believes that the amendment does not place the application in condition for allowance for the following reasons. The prior art Toda et al.'847 teaches a physical element (liquid crystal iris) that can change light transmission factor throughout the physical element. (The light travels through the LC iris for further processing.) Toda et al.'847 continues to disclose a photoelectric conversion means (CCD) and a correction means for correcting the change in the optical characteristic of the physical element corresponding to the light transmission factor throughout the physical element (discussed in col. 29, lines 20+, and col. 30, lines 6+; see also fig. 43, elements 426-428). Although Toda et al.'847 teaches correcting values are used depending on the change an optical characteristic, Toda et al.'847 fails to specifically disclose a memory means for storing a plurality of correcting information for changing an optical characteristic of the physical element, however it would have been obvious to include a memory means for the purpose of storing these values as discussed in Toda et al.'847. One having ordinary skill would recognize the obviousness, if not inherent, with respect to using a memory means for storing such values. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (U.S. 5,047,847).

Regarding Claim 1, Toda et al. '847 teaches a physical element that can change a light transmission factor throughout the physical element (referred to as an LC iris; col. 23, lines 5-15; col. 28, lines 50-60), a photoelectric conversion means for receiving an optical image transmitted through the physical element at a position of an imaging plane and for converting the optical image into an electrical image signal (referred to as a CCD, See fig. 41; col. 27, lines 10-24), and a correction means for correcting a change of a optical characteristic in accordance with the correcting information corresponding to the light transmission factor throughout the physical element (col. 30, lines 6-13). However, Toda et al. '847 does not specifically teach a memory means for storing a plurality of correcting information for correcting a change in an optical characteristic of the physical element with respect to a change of the light transmission factor throughout the physical element, and the correction means corrects the change in the optical characteristics of the physical element in accordance with the correcting information read out from the memory means. However, it would have been obvious, if not inherent, for Toda et al.'847 to have a memory means which stores

correcting information corresponding to the light transmission factor of the physical element. As stated in col. 29, lines 35-42, Toda et al.'847 discloses that the white balance correcting circuit 427 controls the gain of the color signal level so that the spectral transmission variation of the iris value may be corrected and an LC iris driving circuit (428) which changes the optical characteristic of incoming light throughout the physical element. In order to correct for optical characteristics based on the output, it would have been obvious to have a memory with stored correction values for changing these characteristics so that even when the iris varies, the optical characteristic variation may be corrected since Toda et al.'847 states that the white balance correcting circuit and the LC iris driving circuit makes corrections in response to the characteristics and outputs. Therefore, it would have been obvious to one having ordinary skill in the art to have a memory means for storing a plurality of correcting information for correcting a change in a optical characteristic of the physical element caused by a change of the light transmission factor of the physical element, and the correction means corrects the change in the optical characteristics of the physical element in accordance with the correcting information read out from the memory means corresponding to the light transmission factor of the physical element.

Regarding Claim 2, Toda et al. '847 teaches the correction means adjusts a correction amount of wavelength dependency characteristics of the light transmission factor (col. 29, lines 40-42).

Regarding Claim 3, Toda et al. '847 teaches the correction by the correction means is achieved by auto white-balance control for an output signal from the photoelectric conversion means (col. 29, lines 22-28; col. 29, lines 35-40).

Regarding Claim 4, Toda et al. '847 teaches the correction of the correction means is achieved by changing a sensitivity of the photoelectric conversion means in accordance with a light wavelength (col. 29, lines 20-36).

Regarding Claims 5 and 6, Toda et al. '847 teaches the correction by correction means is achieved by another physical element (filter) capable of controlling a light transmission factor in the photographing optical system (Fig. 56, element 650; col. 37, lines 47-60).

Regarding Claim 7, Toda et al. '847 teaches a correction means comprising a storage means for storing at least one of the light transmission factor wavelength dependency of the physical element and the correction amount of the light transmission factor wavelength dependency of the physical element (referred to as color correcting memory, Fig. 45, element 440; col. 31, lines 3-6).

Regarding Claim 8, Toda et al. '847 teaches the storage means stores at least one of a plurality of light transmission factor wavelength dependencies and a plurality of correction amounts in accordance with at least one of the light transmission factor and the light transmission amount of the physical element (col. 31, lines 1-12).

Claim 9 is analyzed and discussed with respect to Claim 1. (See rejection of claim 1 above.) The exposure amount adjustment means is the white balance correcting means (427).

Claims 10 and 11 are analyzed and discussed with respect to Claim 2. (See rejection of claim 2 above.)

Claim 12 is analyzed and discussed with respect to Claim 1. (See rejection of claim 1 above.)

Conclusion

4. Any inquiries concerning this communication from the examiner should be directed to **Jacqueline Wilson** whose telephone number is (703) 308-5080. The examiner can normally be reached Monday-Friday (alternate Fridays off) from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached at (703) 305-4929. The fax number for this group is (703) 872-9314.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or Faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:

(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

JBW

August 24, 2001

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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